



APPROVED

KITTERY PORT AUTHORITY

August 7, 2014 Meeting Minutes
Council Chambers, Town Hall

Members Present: Bob Melanson, Barry Bush, Vice Chairman, Kelly Philbrook, Tom Smith, Steve Lawrence

Members Absent: Ray Grenier; Dan Arbo

Staff: Assistant Harbormaster Paul Bourque

The meeting of August 7, 2014 was called to order at 6:03 p.m.

1. Pledge of Allegiance

2. Minutes: July 1, 2014 and July 10, 2014

Mr. Bush moved to approve the minutes of July 1, 2014 as amended

Ms. Philbrook seconded

Motion carried unanimously by all members present

Mr. Smith moved to approve minutes of July 10, 2014 as presented

Mr. Lawrence seconded

Motion carried unanimously by all members present

3. Public Segment

- Dick Draper: The KPA needs to figure out what is expected of the Harbormaster when re-drafting the job description. Someone who knows the situation should be considered. He noted that Paul Bourque has done a good job as interim Harbormaster, as well as Alan Breton, Assistant Harbormaster.
- Milton Hall: He towed a stranded boater and helped a sail boat during rough weather. He addressed comments made by the former Harbormaster at the May 2014 meeting, noting he wanted to clear the air regarding comments made about finding fault. He did not intend his statement to be one of finding fault with those working at the Traip ramp, but rather an observation of the situation at the time. He is surprised the Harbormaster lasted as long as he did. The Harbormaster is supposed to be on the water, rather than drafting memos and handling finances. The new harbormaster should be treated differently.
- Ken McDavitt: Explained he is reducing the number of slips from 12 to 8 at his Old Armory Way marina proposal. He presented two plans for the 8 slips and requested direction from the members. Mr. Melanson: This project has quite a few hurdles, including private mooring relocation for a commercial application; placing slips parallel to the current flow. Mr. Smith concurred and noted they did not support the extension of the D'Amico pier because of existing moorings. No further direction was provided.

4. Harbor Master Report

Mr. Bourke thanked the Board for their support during transition.

Revenue: \$1,773; \$4,515 collected at Traip launch.

- Repair work: Hoist at Government Street is not working, and is a safety hazard. A new panel box is needed, and a combination lock installed.
- Frisbee float repair - \$750 quote to repair broken angle iron.
- The septic system at the pier has been used a lot since the portapottys have been removed. The tank must be pumped out every two weeks. Would like the Board to consider installing a low

flush or power assist toilet. Faucets should be replaced with automatic faucets as they are now left running. A urinal would also reduce water usage.

- He spoke with DPW re: fence replacement at the pier.
- Consider a sign at the new transient dock to read 'boat owners and guests only; no fishing'. Recently, fish caught were gutted on the dock and not cleaned up after.
 - Mr. Melanson: Noted problems with squid fishing continue and he has met with the Police Department and Town Manager. Public nuisance exists in the KPA Rules and Regulations, but enforcement is not clear. The Police Chief recommended closing both piers at night, which is not practical. We need to set policy the police can handle. We don't want the Harbormasters attempting to enforce this at all hours.
 - Ms. Philbrook: She has been bombarded with complaints about the squid fishing at the pier. There has been an overwhelming number of people arriving to fish. Squid fishermen were plugging lights into the Harbormaster shack to illuminate the water to attract the squid, running power cords all over the pier and floats; some used generators or car batteries for power. There are young people who would like catch squid for bait, but are prevented from doing so because of the posted signage prohibiting squid fishing ('their dad would kill them' if they broke the law). If we can't enforce the law, we shouldn't have the sign in place. It's almost the end of the season, and perhaps the new Harbormaster will have some fresh ideas. These fishermen were also fishing on Captain and Patty's private dock.
 - Paul Bourke: Suggested fishing on the Frisbee Pier and not the new transient pier, or fishing allowed by boat owners only.
 - Ms. Philbrook: We can't exclude residents from enjoying town property. Good people are penalized by the bad behavior of others. There are insufficient marine patrol available to police the area for excessive fishing (non-personal use).
 - Mr. Smith: If the police will enforce no fishing, that's what we should do.
 - Mr. Melanson: Suggests a public hearing to include language in the rules and regulations that will have police support.
 - Mr. Bush: We regulate scuba fishing, but want to encourage access. It is reasonable for transient users to expect a good night's sleep. Recommends a workshop to discuss the issues and develop a workable plan. Police don't want to 'split hairs' over what type of fishing is going on.
 - A workshop was scheduled on Wednesday, August 20 @ 5:00 to discuss these issues.
- Peter Walsh will be working on the wi-fi and webcam to transmit to the Police Department. He will also be working on the advertisement for transient moorings, and develop the website to be more user friendly.

5. Marinas Piers & Floats

- Conduct a Public Hearing- Mr. Brendan Daly of 190 Whipple Rd Map 17 lot 17 proposes to replace a 3'7" x 43' pier and install a 3' x 20' gangway with a 10' x 20' float. The applicant's agent is Zachary Taylor of Riverside Pickering Marine.
Mr. Taylor: A site visit was held on July 10. ACOE authorization has been received; awaiting DEP approval; project is located within the 25-foot setback of the abutter and authorization from the abutter has been notarized and recorded.
Milton Hall: This was formerly Ted Brown's property. He has no issues with the proposal. There was no further public comment.
The Board had no comment.

Ms. Philbrook moved to approve the application of Brendan Daly at 190 Whipple Rd Map 17 lot 17 proposes to replace a 3'7" x 43' pier and install a 3' x 20' gangway with a 10' x 20' float.

Mr. Bush seconded
Motion carried unanimously by all members present

- Sketch Plan Review:
Scott Moffit 144 Rogers Road Map 22 Lot 31 proposes to construct a 6' x 90' pier with a 3' x 50' gangway and 10 x 30' float.
Mr. Moffit: Recently met with DEP and will submit their application which is a joint application with the ACOE. This has been approved before, but was not built. He plans to follow ledge and place pilings to reach water by the gangway. Wishes to save trees by shoreline that will require shoreline stabilization.
Ms. Philbrook: If approved previously, she has no problem once the application is complete.
Mr. Melanson: Applications will have to be filed before the KPA can consider. With the shoreland stabilization, he needs to have the CEO review for compliance with Title 16. If the float is sitting in the water at low tide, he needs to confirm with Submerged Lands. A plan needs to be submitted and accepted for a site walk and the public hearing scheduling at the September meeting.
6. Pepperrell Pier Project Status
- Ribbon cutting ceremony held on July 7.
 - Ms. Philbrook: Asked about removal of docks due to storms. We were always told by Barney Baker power was to be a quick connect and disconnect.
 - Mr. Melanson: The proper connects set by code, but not a quick connect system. In cases of emergency, a licensed electrician is needed to remove and install, at a rate of \$320 for each, over a period of 2-3 hours.
 - Mr. Smith: Asked Barney Baker about the plug-in play and was told it could not be changed as the connections had to be 18 inches above water through boxes on the floats, which were not included in the budget.
 - Ms. Philbrook: There are no regular power outlets on the pier.
 - Mr. Melanson: Adapters for 120 AC can be purchased and kept at the Harbormaster shack for use on the boats.
 - The issue of the fishermen's ramp is discussed in the annual report and this will be resolved to the satisfaction of the fishermen.
 - Dick Draper:
 - He will continue to follow up on this as we now have less than what we had before this dock was built. Would like to see a ramp off the end of the dock.
 - Where will the new floats be stored off-season? They are extremely heavy. They can't block the dock as it is used year round.
 - Mr. Bush: The crane should be able to lift the floats without extension.
 - Mr. Melanson: During storms they can ride-out on the transient floats; during the off-season they can be placed next to the Harbormaster shack.
 - The face float needs to be repurposed.
 - Norm Albert, DPW, found an electric hoist to raise the ADA ramp during off season. Discussion followed regarding existing equipment that could work to raise the ramp, but it should be tested.
7. Wave Attenuation Project:
A Public Hearing for input on the project, with Wright-Pierce facilitating, will be scheduled for the September 4 meeting.
8. Annual Report
Mr. Melanson read portions of the Report (Attached)

Mr. Bush moved to accept the Annual Report as submitted.

Mr. Smith seconded

Motion carried unanimously by all members present

9. New & Old Business

– Isles of Shoals:

Mr. Smith: Proposed new language regarding moorings at Isle of Shoals, suggesting:
Section A.1.B: Due to the fact that the only way to get to the Shoals is by boat, property owners at the Isles of Shoals should be considered first by the Harbormaster if and when a mooring site becomes available.

This should be discussed more fully at the next meeting. Many moorings are not numbered and they are difficult to identify. Will work with Paul Bourque to look for abandoned moorings.

Mr. Melanson suggested this be added to the August 20 agenda for further discussion.

– Mr. Smith: Toilets should be replaced to save on pumping the tank. Mr. Bourque will get estimates. The fence needs to be replaced. Perhaps DPW can take care of this. Something needs to be done at Government Street as well. Mr. Bourque will have DPW look into this.

– Ms. Philbrook: Changes to the Rules and Regulations should be addressed and recommends a workshop to review everything prior to the first of the year. Include discussion on the water usage fee and how to enforce equally, and mooring issues. A workshop will be scheduled for this at the September meeting.

– Fire Department was conducting emergency training at the pier, and recommended that an AED be installed on the Harbormaster boat. Mr. Melanson asked that Peter Walsh follow up on this, perhaps with grant funding.

– Traip Floats: MDOT authorized low bid to Riverside Pickering. Peter Walsh is the grant administrator. Floats will be installed after Labor Day.

Board members adjourned to Executive Session at 7:40 p.m.

10. Executive Session

11. Adjourn

Mr. Bush moved to adjourn

Mr. Smith seconded

Motion carried unanimously

The August 7, 2014 Port Authority meeting ended at 8:10 p.m.

Submitted by Jan Fisk, August 25, 2014

Annual Report

**KITTERY PORT AUTHORITY
ANNUAL REPORT
2013-2014**

To the Citizens of Kittery:

Over the course of the year the Port Authority continued to work at improving the resources and services to the boating community and the Town.

- In response to the Town Council's charge, the Port Authority became more of an enterprise operation.
- The Boating Infrastructure Grant project completed the approval process, with a scheduled opening of July 11, 2014.
- The Port Authority was awarded a Small Harbor Improvement Grant (SHIP) from the Maine Department of Transportation to improve the float system at the Traip Academy launch facility.
- The Port Authority received a Shore and Harbor Grant from the Maine Coastal Program to conduct a feasibility study to construct a submerged reef off Fishing Island.
- The Harbormaster conducted a search to upgrade the Port Authority patrol boat.
- The Port Authority applied to the Army Corps of Engineers to conduct a dredge survey of Pepperrell cove.
- A right of way dispute with Frisbee Holdings LLC was resolved in favor of the Town.
- The holding tank for the Frisbee pier bathroom was replaced.
- The Harbormaster submitted his resignation, effective July 19, 2014, after serving the Town for two and one half seasons.

Budget and Revenues: The Port Authority completed the year with a modest surplus. Expenses totaled \$110,541 with revenues of \$120,300, resulting in a surplus of \$9,760. The Authority approved changes to the Fee Schedule, including a Harbor and Water Usage fee and a schedule of charges for the new Transient Moorings and Boat Slips.

Boating Infrastructure Grant (BIG) Project: The project approval process began in 2010 and was finally approved in November, 2013. The design focus centered on six floats, 8 transient moorings and an 85-foot ADA ramp. The facility is to include water, power, internet service and a pump out system at a later date. As the funding process evolved it was expanded to include a new utility infrastructure down Bellamy Lane to the Pier. The MDOT and the Town collaborated on a shared expansion from a \$242,000 federal grant, with a \$90,000 Town share, to add the upland and waterside utilities. This expanded the project to \$487,000 with Kittery's

Department of Public Works acting as the general contractor for the upland work. Construction began in March and was completed on time and \$15,000 under budget. Fishermen who use the facility have expressed concern over the ramp removal. This was not a problem in the spring, and the Authority is confident this issue will be addressed by next spring.

Traip Launch Float System: The Harbormaster spearheaded a proposal to expand the Traip launch float system to include three 8' x 20' floats to better accommodate boaters and fishermen. A grant was awarded late in 2013, with plans to proceed in the fall of 2014.

Wave Attenuation Program: The Army Corps of Engineers (ACOE) plan to dredge the Eliot turning basin in 2016. The spoils from this project include 20,000 cubic yards of ledge material and the Authority has been awarded a grant to conduct a feasibility study on using the ledge material to mitigate the wave action in Pepperrell Cove.

Port Authority Boat: The Authority acquired a 23' Sea Pro with cuddy cabin in April. With two vessels, the Harbormaster and Assistant Harbormasters have expanded their patrol program in an effort to promote boating safety.

Pepperrell Cove Dredge Program: The ACOE has received our request to survey Pepperrell Cove. They have indicated this will be a long process. Pepperrell Cove was last dredged 100 years ago in 1914.

Right of Way Dispute: Frisbee Holdings LLC made an effort to charge commercial haulers to cross 150 square feet of land at the Pepperrell Pier launch ramp. The Town obtained a restraining order to prevent this and over the course of the year negotiated to obtain a Right of Way. The defendant granted the ROW and the dispute has been resolved.

Holding Tank: The holding tank at Frisbee Pier needed replacement. The Department of Public Works acted as the general contractor and saved the Town almost \$10,000.

Harbormaster Resigns: Harbormaster Michael Blake resigned on July 7. He will be missed. The Port Authority, in collaboration with the Town Human Resources, has begun a recruiting process, and the position description for the Harbormaster will be updated.

The Port Authority remains committed to serving the boating public and preserving Kittery's working waterfront.

Respectfully Submitted, Robert P. Melanson Jr., Chairman, Kittery Port Authority